

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
OCTOBER 13, 2011**

Town of Bedford
Bedford Town Hall
Lower Level Conference Room

PRESENT: Jeffrey Cohen, Chair; Jeffery Dearing, Vice Chair; Brian Gildea, Clerk;
Angelo Colasante; Kenneth Gordon; Stephen Henning

ABSENT: Carol Amick

Mr. Cohen introduced himself and read the emergency evacuation notice. The Zoning Board of Appeals (ZBA) members and ZBA Assistant introduced themselves.

PRESENTATION: Mr. Gildea read the notice of the hearing.

PETITION #009-12 – Todd Crowley, 31 Springs Road, seeks a Special Permit per Section 7.1.2 and Section 7.1.4 of the Zoning By-Law to construct entryway within front yard setback.

Todd Crowley, the applicant and owner of 31 Springs Road, introduced himself and said that he hopes to put on an historically appropriate portico to the existing uncovered brick steps. He noted that the renderings in the application packet show how the proposed portico will look, and he believes it will enhance the aesthetics of the house.

Mr. Cohen said that it looks from the plot plan like there was another recent addition. Mr. Crowley explained that there is currently construction going on to enclose a three-season porch and also add a mudroom onto it; however, those additions did not extend into the setback so they didn't need to receive ZBA approval for them.

There was discussion about the plot plan and whether the dimension shown is to the edge of the stairs or the edge of the portico; it was determined that the dimension shown is to the edge of the portico, which is how it should be measured, as uncovered stairs do not, under the Zoning By-Law, count towards the setback.

Mr. Gildea said that the front setback is 17.3 feet to the legal road, and asked the applicant to guess how far it is to the actual road. Mr. Crowley replied that he couldn't be sure, but his best guess is that it is approximately 20 feet – not a great deal more than the setback to the legal road.

Mr. Cohen opened the hearing to the public. With no comments or questions from those in attendance, Mr. Cohen closed the public hearing.

DELIBERATIONS:

Mr. Cohen said that this project requires a Special Permit, as the property is non-conforming due to insufficient lot area and non-conforming side and front yard setbacks. He said that the two requirements of a Special Permit are that the project is not injurious or detrimental to the neighborhood and is in keeping with the intent and purpose of the By-Law, and he believes this addition is quite handsome and will actually enhance the neighborhood. The other Board members agreed. Mr. Dearing asked whether the Board wanted to stipulate the allowed dimensions in the motion. Mr. Cohen stated that the plot plan will be marked as an exhibit, which will be enough evidence of the dimensions that the Board is allowing, so he doesn't feel it is necessary to stipulate any specific numbers in the motion.

MOTION:

Mr. Gildea moved to grant to Todd Crowley, 31 Springs Road, a Special Permit per Section 7.1.2 and Section 7.1.4 of the Zoning By-Law to construct entryway within front yard setback, substantially as shown on Exhibits A through D.

Mr. Dearing seconded the motion.

Voting in favor: Cohen, Dearing, Gildea, Colasante, and Gordon

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Cohen explained that the Board has 14 days to write a decision, after which time there is a 20-day appeal period. The applicant is then responsible for getting the decision recorded at the Registry of Deeds. Once the decision is recorded, the applicant may apply for a Building Permit at the Code Enforcement Department.

PRESENTATION: Mr. Gildea read the notice of the hearing.

PETITION #010-12 – Sandcastle Homes, for Shanling Peng and Qiang Fu, at 5 Perham Road, seek a Special Permit per Section 7.1.2 and Section 7.1.4 of the Zoning By-Law to construct second floor addition on a non-conforming structure.

John Townsend, of Sandcastle Homes, introduced himself and Ms. Peng. He explained that they are proposing a two-story addition onto their existing Cape house on Perham Street. He noted that the existing structure will not change, and the only change to the footprint will be the roof overhang that will protrude out 18 inches farther than it does now. He showed renderings of the existing house and the house with the proposed addition. He stated that he and the owners believe this project is in keeping with the architectural integrity of the neighborhood and will be a very attractive addition.

Mr. Dearing noted that the roof is at a very steep pitch; he asked the applicant what pitch the roof is. Mr. Townsend replied that it is a 16 pitch.

Mr. Colasante noted that the proposed attic is very large, and he asked the other Board members whether they had any concerns about it becoming habitable living space. Mr. Cohen replied that the Zoning By-Law has no limitations about the size of living space or using attic area for habitable space, so he doesn't think it is necessary under the Board's purview to judge what the attic will be used for. He asked the applicant how high the proposed roof will be. Mr. Townsend responded that it will be 35.5 feet. Mr. Cohen said the height is also under the By-Law's restriction, as the By-Law allows 37 feet.

Mr. Cohen asked whether the second floor will run the entire length of the house. Mr. Townsend said it will.

Mr. Cohen opened the hearing to the public.

Mr. Gordon asked the homeowner whether she had talked to her neighbors about this project. Ms. Peng said that they have not. Mr. Gordon said he presumes that the abutters have been legally notified, and the fact that none have shown up tonight to voice any objection is a good sign.

With no comments or questions from those in attendance, Mr. Cohen closed the public hearing.

DELIBERATIONS:

Mr. Cohen said this project requires a Special Permit, and the two conditions of a Special Permit are that the project is not injurious or detrimental to the neighborhood and is in keeping with the intent and purpose of the By-Law. He said this is a very large addition but he doesn't feel that it is out of character with the neighborhood, as there have been several additions in that area recently, along with houses that have been demolished with new, larger houses being constructed in their place.

Mr. Colasante said he is a bit concerned about the size of this addition, since it is so massive; he noted that the addition will make the house more than twice as large as it is now. He said the house will lose the quaint Cape look that it currently has. The Board members discussed the size of the addition and whether they have the right to dictate things like the pitch of the roof or the architectural features – things that may help the addition look less immense. It was ultimately decided that the Board should only rule on the project that is being proposed.

Mr. Gildea pointed out that, according to the plot plan, the house is 23 feet to the front property line but approximately another seven or eight feet to the legal road, so the fact that this is at least 30 feet from the front property line will help to make it less

overwhelming. He said he supports this Special Permit and believes that the addition will actually make the house look more attractive.

Mr. Gordon said he had some concern about the abutters and what they might think of this project, but the fact that none are here tonight to express any problems is a good sign.

Mr. Cohen reiterated that he feels this project meets the two conditions of a Special Permit. He called for a motion.

MOTION:

Mr. Gildea moved to grant to Sandcastle Homes, for Shanling Peng and Qiang Fu, at 5 Perham Road, a Special Permit per Section 7.1.2 and Section 7.1.4 of the Zoning By-Law to construct second floor addition on a non-conforming structure, substantially as shown on Exhibits A through M.

Mr. Dearing seconded the motion.

Voting in favor: Cohen, Dearing, Gildea, Colasante, and Gordon

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Cohen explained that the Board has 14 days to write a decision, after which time there is a 20-day appeal period. The applicant is then responsible for getting the decision recorded at the Registry of Deeds. Once the decision is recorded, the applicant may apply for a Building Permit at the Code Enforcement Department.

BUSINESS MEETING:

The ZBA members had a conversation about the size of new houses going up around Bedford, and whether it is their place or responsibility to judge an application based on what they think is too large.

Mr. Cohen explained that there will be a Planning Board meeting on Wednesday, November 2 at 7:30 PM about the demolition of the Bedford Travelodge and ideas for proposed uses at the site. He said that the ZBA members have been invited to this meeting, and noted that if more than two or three members attend, it should probably be advertised as a joint meeting. He suggested that the ZBA assistant send out an email to the Board a few days before the meeting to get an idea of who will be attending, and decide at that time whether to post a notice as a joint meeting.

MOTION:

Mr. Gildea moved to adjourn the meeting.

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Mr. Dearing seconded the motion.

Voting in favor: Cohen, Dearing, Gildea, Colasante, Gordon, and Henning

Voting against: None

Abstained: None

The motion carried unanimously, 6-0-0.

The meeting adjourned at 8:25 PM.

 10/27/11

Jeffrey Cohen, Chair Date

Respectfully Submitted,

Scott Gould
ZBA Assistant